IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.472 OF 2007
IN
CRIMINAL APPLICATION NO.61 OF 2007
IN
CRIMINAL APPLICATION NO.304 OF 2007

The State of Maharashtra .... Applicant
Vs.
Vahedu Rehman Mohmedar Mira
& Anr. .... Respondents

Shri P.S. Hingorani, APP, for the State.

None present for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
A.A. SAYED, JJ.

DATED: NOVEMBER 27, 2007

P.C:

Heard. This is an application by the State for issuance of proclamation against the respondent Nos.1 and 2 on the ground that their whereabouts are not known. The learned APP has drawn our attention to the report dated 1-8-2007 submitted by the Police Inspector, Virar Police Station. Perusal of the report discloses that the concerned officer has enquired with the wife of the accused No.1 in relation to the whereabouts of the accused No.1 whereas as regards the accused No.2 the report states that he is not residing at the given address. Merely because the wife of the accused No.1 could not give the details about the whereabouts of the

accused No.1 or that the accused No.2 is not found at the given address, that by itself cannot be a justification for issuance of proclamation under Section 82 of the Cr.P.C.. It is necessary for the police to try and ascertain the whereabouts of the accused persons by enquiring with the neighbours as well as with the persons found employed at the place of employment of those accused, as also from the other sources. Unless all such attempts are made, it is not possible to arrive at the conclusion that the whereabouts of these accused persons are not known. In the circumstances, the application for issuance of proclamation is too premature and hence is rejected.

(A.A. Sayed, J.) (R.M.S.Khandeparkar, J.)

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